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EQUITAS

Vol. VIII — No. 5

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Thursday, February 24, 1977

Dean Sacks To Address Grads

By Jonah Triebwasser

Albert M. Sacks, Dean of the Harvard Law School and Dane Professor of Law, will be the principle speaker at the 85th NYLS Commencement on June 12, 1977 in Lincoln Center's Alice Tulley Hall.

In announcing Dean Sack's acceptance of the school's invitation to speak at commencement, NYLS Dean Donald Shapiro said, "I think he is one of the great legal minds and teachers in America today."



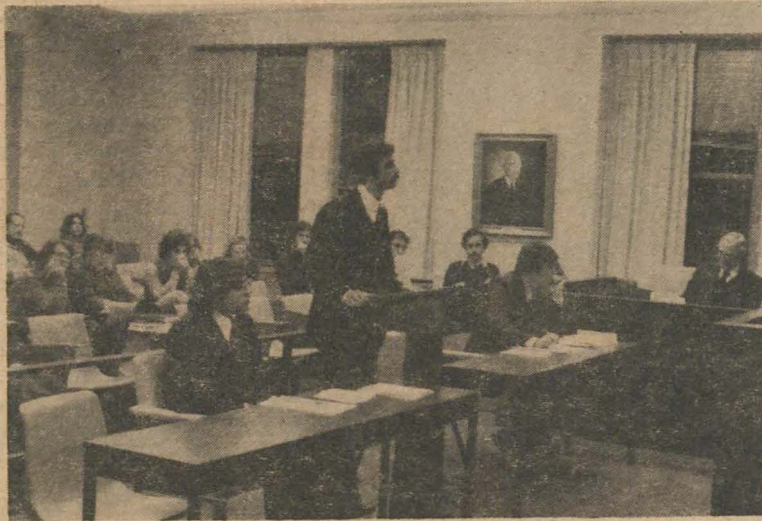
(photo/Harvard Law School)
Dean Albert Sacks

Sacks is a native New Yorker who graduated City College magna cum laude before going on to Harvard Law School and receiving an LL.B. also magna cum laude.

Sacks began his law career as law clerk to Judge Augustus N. Hand of the U.S. Circuit Court of Appeals and later as Clerk to Justice Felix Frankfurter of the United States Supreme Court.

Sacks joined the Harvard faculty in 1952 and became Dean of Harvard in 1971.

The speaker at last year's commencement was Supreme Court Chief Justice Warren Burger.



(photo/J. Tricarico)

Judge Re is presented with a NYLS honorary degree by Dean Shapiro.

N. Y. To Go Multi-State?

by Jonah Triebwasser

The New York State Court of Appeals is now considering the adoption of the Multi-State Bar Examination in this state.

According to an article in the New York State Bar Association's newspaper, the Court contemplates the use of the MBE national multiple-choice examination to replace a substantial part, if not all, of the present multiple-

choice portion of the New York Bar Examination.

The present essay question section, according to the Bar Association report, would be continued, although the number of essay questions may be reduced.

The Court of Appeals has recently been conducting a review of the New York state bar examination process. The proposed changes will not affect pending graduates.

Moot Court Board To Hold Harlan Competition

By Arnold S. Klein

Several moot court competitions, including New York Law School's own John Marshall Harlan Competition, will be getting under way during the spring semester.

The purpose of the Harlan Competition is to afford participants an opportunity to put their research and writing ability to a practical test, to become involved in unanswered and often controversial areas of the law, and to present oral arguments in an atmosphere which resembles that of an actual courtroom.

This year the problem is a corporate one, involving alleged violations of Section 10(b) of the Securities Exchange Act of 1934. The ultimate goal of the Harlan

Competition is to pick the team that will represent New York Law School in the National Moot Court Competition next year. Additionally, by a new faculty rule, students participating may be eligible to receive one credit, following evaluation by a member of the faculty, for their briefs.

Judges for the Harlan Competition will include members of the judiciary, bar, alumnae and members of the Moot Court Executive Board. Individuals who do well in the Competition may be invited to become members of next year's Moot Court Association or Executive Board.

A competition will also be run for first year students interested in getting a head start toward polishing their advocacy skills. Information concerning this and

Re '77 Jefford Lecturer

By Jim Tricarico

On Dec. 10th, the crowded fourth floor lecture hall of 57 Worth Street was the scene of the 3rd Annual Walter M. Jefford's Jr. Distinguished Visiting Lectureship. The Hon. Edward D. Re, Judge of the United States Customs Court, law professor and distinguished author gave this year's lecture titled, "The Law Professor and the Administration of Justice."

The occasion also marked two other significant events. This year's lecture was held in honor of Judge Charles W. Froessel, former Associate Justice of the New York Court of Appeals, past Dean and Professor of Law at NYLS and Honorary Chairman of the Board and Trustee Emeritus of NYLS.

Court Room Dedicated

Also, the NYLS Alumni Association formally dedicated the school's new moot court room donated by the Alumni Association in honor of the late Dr. Max Reich, past professor and dean at NYLS. The formal dedication of the court room was made by Bernard M. Eiber, Professor of NYLS and past president of the Alumni Association.

Re's speech was enthusiastically received. His lively presentation concerned the importance of the law school professor and the grave responsibility which travels with that position. Most notably, Re attacked the old axiom "those that do, do, and those that can't, teach," by pointing out that law professors generally come from a very successful background in both the public and private sectors.

For the first time since 1975 when Walter M. Jeffords created the "Distinguished Visiting Lectureship" in honor of Judge Froessel, this year's lecture will be expanded upon and published in the NEW YORK LAW SCHOOL LAW REVIEW.

Public Servant

A graduate (*summa cum laude* as well as class valedictorian) of St. John's University Law School in 1943, Re is an Adjunct Professor of Law at both his alma mater and NYLS. His legal texts, which include Brief Writing and Oral Argument and Cases and Materials on Equity and Equitable Remedies, are required

(Continued on Page 3)



(photo/J. Triebwasser)

Arnold Klien addresses the Moot Court.

Faculty Votes: 'No Posting'

By Jim Tricarico

Once again, the faculty has not been swayed by the desire of the vast majority of students to have grade posting.

At a faculty meeting held right before the last exam period, the group of professors again entertained a motion to allow professors to post grades, if they so desired. Larry Silverman, president of SBA and this writer, as editor-in-chief of EQUITAS were permitted to speak to the issue of grade posting at this meeting. Our pleas were to no avail.

see editorial page 4

Two concerns, that have been voiced by certain faculty members in the past, are that students will choose courses on the basis of grades, rather than on the basis of course content, and that some professors may begin to mark easier so that their courses will be better attended, thus, creating what one professor

termed a "popularity contest."

The actual faculty discussion and vote was closed to the student body. However, the outcome was clear; professors are not permitted to post grades. Grades may be given out by the individual professors, after the date when all the grades are supposed to be handed in for administrative processing, which is generally three weeks after the last exam.

Silverman has made it clear that the SBA has not given up on the grade posting issue.

all other intra-school competitions can be obtained at the Moot Court Office in the back of Room 301, 57 Worth Street, or on the Moot Court Bulletin Board on the first floor of the same building.

Mock Trial Competition

New York Law School recently competed in the Northeast Regionals of the National Mock Trial Competition. One of New York Law School's two teams advanced to the semifinal round, where they lost a close verdict to the team from Villanova.

New York Law School will be represented in several other competitions in the near future. The Moot Court Board will be send-

ing two teams to the Senator Robert F. Wagner Memorial National Labor Law Moot Court Competition held at New York Law School, March 3-6, one team to the Phillip C. Jessup International Law Moot Court Competition held at Cornell, March 11-12, and two teams each to the Irving R. Kaufman Metropolitan Moot Court Competition (Corporate Law) held at Fordham, March 21-31 and the National Appellate Advocacy Competition held at Albany Law School, March 19-20. The Board has announced that all students who wish to represent New York Law School in these competitions in the future must compete in the Harlan Competition.

Alumni News

Deputy Mayor Elliott Highlights Luncheon

by Elliot S. Horowitz

Osborn Elliott, Deputy Mayor for Economic Development of the City of New York, was the guest speaker at the Annual Luncheon of the NYLS Alumni Association, which was the occasion of the installation of the newly elected officers of the Association and was held in conjunction with the Annual Meeting of the New York State Bar Association, last January.

Chairing the Luncheon was Harry Ostrov (class of '25), Trustee of NYLS, co-founder of the Alumni Association, and member of its Board of Directors.

Mr. Ostrov noted the "brilliant term of office" of out-going president Sylvia Garland and introduced Hon. Harold A. Stevens, Presiding Justice of the Appellate Division, First Department who administered the oath of office to the president-elect, the Honorable William Kapelman (class of 1940), Administrative Judge of Bronx County (Supreme Court, First Judicial District), as well as to the other incoming officers and directors of the Association.

Following the installation ceremony, Elliott addressed the audience concerning the economic prospects of the city. Elliott, who had previously held the posts of Editor-in-Chief and Chairman of the Board of Newsweek was cautiously sanguine about the future of the Big Apple, noting that the exodus of businesses from the city had been arrested, but that the trend had not yet been reversed.

Marvin Ray Raskin '72, former Editor-in-Chief of EQUITAS, who has been serving as an Assistant District Attorney in the Bronx D.A.'s office since January 1973, will begin to serve as of counsel to the law firm of Bleifer & Yalkut, P.C.

As part of its continuing legal education program, New York Law School has scheduled a forum on aspects of the Tax Reform Act of 1976 that will be held from 10 A.M. to 2 P.M., Saturday, Feb. 26, at the school, 57 Worth Street.

The program is free to alumni, students and faculty. The fee for others is \$20.

Joseph T. Arensen, a professor at the school and partner in



(photo/NYLS Alumni Affairs)
Prof. Sylvia Garland and Hon. William Kapelman.

Arenson, Gelinas Dittmar & Karban, will serve as moderator.

Among the panelists will be

Sidney Kess, a partner in Main, Lafrentz & Co.; George M. Schain, an assistant professor at the

Trustees Move to Firm Plans For New Law Center Complex

As we went to press, the Board of Trustees announced that their building committee has attempted to engage the services of Dr. Albert Gold, Vice-President of Rockefeller University where his responsibilities include "institutional modeling and long-range planning." Dean Shapiro termed Gold as "highly qualified in the field of building planning."

This move by the Trustees indicates their apparent intention to build rather than buy a new "law center." Dean Bearn, a member of the Building Committee, said this move indicates the Trustees, strong desire to move ahead with "some" well developed plan for the best possible alternative. Dean Shapiro has indicated that building plans may include construction of a new law center predominantly on the site of what is presently the parking lot at the corner of Leonard Street and West Broadway.

When contacted at Rockefeller University, Dr. Gold was quick to point out that he did not yet know

the school's need — to build or to buy in another location. "It is not possible to do a meaningful job without views of students, faculty, alumni, trustees and administration," Gold said. He added that he hopes a committee representative of the above groups can be set up.

Additional information, will be reported in the next issue of EQUITAS.

—Jim Tricarico

school; Sanford Schlesinger, of Rose & Schlesinger; Former Kings County Surrogate Nathan R. Sobel; and James P. Tannian, of Mudge, Rose, Guthrie & Alexander.

Among the topics to be discussed are individual income taxes, estate and gift taxes, the Act's provisions generation skipping, carryover basis and pitfalls of estate planning.

An Alumni Phonathon to raise funds for NYLS and solicit membership in the Alumni Association has been scheduled for March 29, 30 and 31. Carmen Cognetta '73 will be chairing the effort which will be held in the Williams Club in midtown. Students and alumni who can donate time are urged to contact the Office of Development.

The 17th Annual Dean's Day Alumni Homecoming, which will be chaired by Hon. Francis T. Murphy, Jr. '52, Justice of Supreme Court Appellate Division, will take place on Sat., April 23 at NYLS. Registration will be held from 9-9:45 a.m. in 47 Worth where coffee, danish and bagels will be served. From 10 a.m. to 12:30 p.m. two concurrent panels will be held. The first, "Contested Estates," will be chaired by Professor Arenson. Members of that panel include Hon. Joseph Cox, former Surrogate New York County, Hon. Samuel DiFalco, former Surrogate New York County, Hon. Millard Midonick, Surrogate, New York County, and Hon. Nathan Sobel, former Surrogate, King's County and Samuel Spiegel Surrogate of New York County.

The second panel, entitled "Criminal Trial Advocacy" will

be moderated by Lorin Duckman '73, Assistant D.A., Kings County. The panel members include three adjunct faculty members: Henry Rothblatt, who will speak on cross-examination and summation; Harold Price Fahringer, who will speak on voir dire and opening statements; and Maurice Nes-sen, who will present a film called "Murder" which explores the question of the admissibility of relevant though prejudicial evidence. (The film is part of a longer series which attempts to teach evidence through problems and trial situations in conjunction with appellate decisions.)

The lunch and luncheon program to be held from 1 to 2:30 p.m. in the Froessel Library, will be followed by a cocktail party from 2:45 to 3:30 p.m. in the Moot Courtroom. There will be a presentation of the Distinguished Alumnus Award at the cocktail party.



Joseph T. Arenson will be very active at NYLS over the coming weeks as he aids the school's continuing education programs.

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ALUMNI: 'COME ON OVER'

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Guild Makes Bread Selling Cake

The first three weeks of the spring semester were highlighted by two events sponsored by the NYLS chapter of the National Lawyer's Guild.

On Jan. 31, the Guild held an introductory meeting for the mid-year admissions students which was attended by about 20 people who heard Professors Jeffrey Glen and Nancy Erickson speak on "What it means to be a Guild member." Erickson praised the Guild as being the most active group on campus, citing the numerous presentations which the group has sponsored and the struggles in which it has been involved.

Glen gave a brief autobiographical sketch of his relationship with the Guild, and emphasized the importance of repression one will be identified as a human being first and as a lawyer second." The Professor also characterized the Guild as the only group which has and continues to pressure the administration into living up to its reputation as an urban law school, and pointed out that the Guild, as the target of the administrations attempted repression, is the group best situated to bring about change within the school, an example he used was the all white character of the present third year class.

On Feb. 7, the Guild held its "second semi-annual bake sale" which was deemed a tremendous success by members of the organization. In the coming weeks, according to Steve Paganuzzi, a spokesman for the group, the Guild plans to be active in the affirmative action struggle and will bring a variety of speakers to the school.

—Sam Himmelstein

(When contacted by EQUITAS, Glen clarified his statements by saying that the principle message he wished to leave with new Guild members is the need for vigorous



(photo/J. Triebwasser)
Lauren Bailey Rodstein
cutting profits.

advocacy of radical solutions to the law school's problems. "After all," said Glen, "I wouldn't be here if the school was absolutely insensitive to positions taken by organizations like the Guild."

—Ed.)

Prof. & Pres.



(photo/D. Kennerly)
President Ford

NYLS Professor Myres McDougal had the pleasure of a brief reunion with one of his former students of the Yale Law School class of 1941.

According to an article in The New York Times, McDougal met former President Gerald R. Ford during Mr. Ford's recent visit to Yale.

McDougal was instrumental in starting the President's legal career, according to the Times. It seems that the Yale faculty was reluctant to admit Mr. Ford to the law school since the former President was an assistant football coach at the time, and the faculty did not think Mr. Ford could study and coach at the same time. McDougal convinced Yale to accept Ford into the class of '41.

—Jonah Triebwasser

Big Three To Get Hon. Degrees?

by Peter Rose

NYLS will hold its Eighty Fifth Annual Commencement exercises on June 12, 1977, at 7:30 p.m. at Alice Tully Hall located in Lincoln Center.

The Commencement Committee has announced that the following persons will be granted the honorary degree of Doctor of Laws at the exercises: United States Senator Daniel Patrick Moynihan and Chief Judge Marchi of the Customs Court of Appeals in Washington. In addition, the Committee requested that Dean Shapiro and the Board of Trustees invite Andrew Young, United

States Ambassador to the United Nations to receive an honorary degree; they unanimously agreed. Bestowal of the degree is contingent upon the acceptance and attendance by all proposed recipients.

The committee has been planning a reception to follow the graduation exercises in the lobby of Alice Tully Hall. Further details are awaited.

The Committee has also decided to prepare an information packet for all graduating students with details about the commencement exercises. The Committee will poll students about whether or not they want to attend commencement, so that tickets may be distributed equally.

The Committee has held weekly meetings and will continue to do so. A list of the members of the Committee has been posted on the bulletin boards opposite the elevators in 57 Worth St. and the minutes of all meetings will be posted there.

Martel Gives NYLS A+

by Bill O'Brien

"Very stimulating and challenging" are the words professor Joel Martel uses to describe his first semester teaching at New York Law School.

"I'm impressed with the students here. They're quite bright and they work hard. They compare favorably to the students I knew at Harvard," says the property law professor, who himself received an "A+" from the renowned A. James Casner.

Martel, who grew up in a suburb of Philadelphia and majored in Economics and Political Science at Wharton School of Finance and Commerce at University of Pennsylvania, began law school at Harvard as an ROTC student in 1968. He served for two years on the editorial board of the "Law Review" while at Harvard.

Before coming to NYLS, Martel sandwiched a tour of duty with the army between working for a private firm in Philadelphia and one in New York. He was assigned to the Judge Advocate General's Corps, working in Washington D.C. as an appellate counsel in the criminal law field. Upon completing his tour of duty in September 1975, Martel was presented with an award for outstanding appellate advocacy.

Martel and his wife, Donna, an

executive for Sach's Fifth Avenue, enjoy hiking and cross-country skiing "any place where there are steep hills." The two climb slopes of the Berkshires as well as some of the hills of Vermont.

When not in the classroom or on the slopes, Martel manages to spend time doing volunteer legal works for such groups as Society for Animal Rights, Central Park Community Fund, and Municipal Art Society of New York.

"I also like to collect books. Art and Antique books are my favorites and I have some rare ones. I also have books containing the letters of Holmes," says Martel.

Martel sees only a bright future for NYLS and states that he is "happy to be associated with a school on the move up, a school which is realizing a new public image." He attributes this new image to such factors as "the determined efforts of Dean (E. Donald) Shapiro, the dynamic clinical programs, and the excellent job which the "Law Review" is now doing."

When asked if he had seen any overcrowding at NYLS such as at the elevators, Martel said, "I really haven't noticed it, but if the students are having problems with the elevators, as an avid hiker, I suggest that they climb the stairs."

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Jefford's Lecture...

(Continued from Page 1)

reading in courses not only at NYLS but in law schools throughout the country. His biography shows an extensive background in public service in both the Kennedy and Johnson administrations, as well as a distinguished record of service within New York State as a member of the Board of Higher Education of New York City. Re's practical experience and academic background has led him to such positions as Chairperson of the International and Comparative Law Section of the ABA.

Following the lecture and dedication, there was a reception held in the Froessel library to which both students and faculty were invited. After the reception, a luncheon was held in the Faculty Lounge where invited guests greeted both the Judge and his family.

The luncheon was followed by a directors meeting for the Alumni Association in the newly dedicated Dr. Max Reich Moot Court Room.

Equitas Editorials

Grade Posting Again, Again

As reported on page 1, there will be no grade posting at NYLS — yet.

We have found that this is one of the few issues on which most, if not all, of the students agree. The interminable wait for grades is a severe drain on many students, especially those in the first semester.

The major argument against the posting of grades, while well developed, simply does not deal with the reality of the student situation. There will always be some students who choose courses on the basis of grades, most do not, however. The point is, the students know who the "easier" markers are. As a matter of fact, students are asked to put down what grade they received on the anonymous faculty evaluation conducted by the SBA. The evaluation

is made public. The posting of grades will neither stimulate nor hinder this practice of choosing a course by grades.

The strong competitive atmosphere of law school is undeniable. The waiting and worrying greatly magnifies the hostility that accompanies this atmosphere. In a word, as far as the students are concerned, it's unfair.

Unfortunately, the faculty's decision puts the present dilemma on the shoulders of Anthony Scanlon, Secretary-Registrar. It is his office which must send out the first set of grades immediately following the "three weeks from the last exam" deadline. So, it is up to him to see to it the students get their grades as soon as possible.

+ Surplus of Sour Students — The Faculty's Good Sense

Another sore spot among many students concerning grading, is the new faculty decision concerning the addition of the minus grade.

Although it appears that the proposal for this addition came out of the grading committee, and although there was a student member on that committee (the committee has since been abolished by the faculty), the students were not told even that the issue was being considered until after it was voted on and passed by the faculty as a whole. At this point, the form of grading at NYLS has come almost full circle.

About four years ago, the faculty decided, and we think rightly so, to change from 100 point grading system to a letter and plus system with an A+ (4.5) maximum. This made sense because, as all realized at the time, how could someone who received a 78 on an essay exam honestly be distinguished from someone else with a 79 or 80 on the same exam. Such distinctions are absurd when you are dealing with essay type exams as we have at NYLS. Both students and faculty agreed on this four years ago.

But, with the addition of the minus grade, we are confronted with the same problem all over again. What's the difference between a C+ and a B—, aside from the arbitrary mathematics? The previous system where there were only letters and pluses allowed for larger more realistic groupings. Can the professors be so sure of their grading of essay exams that they can constantly make such distinctions?

Not only have the professors changed the gradings so as to create such artificial distinctions, they have also taken away some of their own discretion. The faculty has the option to raise or lower a grade on the basis of class participation, or the lack of it. Previously, this meant that a professor could raise or lower, for example, a 3.0 (B) by a .5 (to a C+ or to a B+). With anonymous grading, such discretion is necessary. But, now, the discretion has been reduced. A professor can only change the same 3.0 by a .33. Granted, this also means professors cannot lower the grades as much as before, however, the reality was that this discretion was almost always used to raise grades, not to lower them. Once again the students get the short end.

One final problem that the grading change has created is its application to those students already in attendance. While it does not affect those marks already received, it certainly causes some strange mix ups on students' transcripts. When the change from numbers to letters was instituted, the faculty had the foresight to apply it only to new students. Why didn't we get the same treatment?

What about those students who took the same course last year or over the summer that their classmates are taking now under this new downgraded system? It's a shame that one student's C+ in the same course with the same teacher means less than another student's C+ merely because the first one was shut out of the course due to the first letter of the last name.

Shapiro made it clear that he felt that a wide distribution of grades should include not only more D's and F's, but that more higher grades (including A's and high B's) should also be the result of a fair grading system.

It is not yet clear whether this semester's grades are, on a whole, lower than in the recent past. EQUITAS is planning a thorough investigation of the effect of the new grading system, if a study of the gross grading figures will be released for comparison.

Point of View

Who Has The Reins

by Jim Tricarico

Like most of you, I have read with some interest, stories about the people President Carter has selected for his Cabinet. As a law school student perhaps I should be most interested in the selection of Griffin Bell for Attorney General — I am not. In my own strange way, I am most interested in a few lines that have been repeatedly written about Carter's new Secretary of Housing and Urban Development, Ms. Patricia Roberts Harris. Most, if not all, biographies about her mention her short, but controversial, reign as dean of Howard University Law School.

Harris, back in 1969, resigned the position of dean after less than a month, rather than bow to the demands of students who wanted a larger role in running the law school. Very little has been written elaborating on this event or explaining how much control the students wanted. But, if nothing else, it should have started every education oriented law student thinking. It certainly caused me to re-examine my own opinions about how a law school should be run and about how NYLS is, in fact, run.

I was forced to ask myself: Do I want a group of students, large or small, to decide what the requisites of my legal education must be? Do I want the Dean or any other individual to make this decision, rather than the students? The answer to both questions was easy, "hell no." Quite simply, the education of "would be" lawyers should not rest in the hands of any one person or any small group of persons, and while student input is vital, student rule would be disastrous.

Face it, we all have interests outside the classroom and outside the school (not the least of which is employment). Many, if not most, students simply do not have the time to be bothered with the careful study of the issues, pro and con, necessary for proper decision making.

Without a doubt, there are some students who do find the time to gather the information and develop policy. These students should be applauded for their efforts (just as every student who works hard, either on outside research, or at a job, should receive the same recognition). Many students have been quite vocal in their opinions about NYLS. They have spoken out on issues ranging from admissions policy, to the make-up of the board of trustees. Airing such public opinion is more than merely good or healthy; it is essential. Student opinion should be considered when policy is being made.

But, how many times have you read or heard a student's opinion that you thought was utter nonsense? Do you want such students (many of whom present themselves as representing a large portion of the student body), deciding what courses you must take? I certainly do not; I have enough trouble deciding my own program. Apparently, it is fashionable to publicly attack NYLS and its board of trustees. Again, this is not unhealthy, it is important that criticism be voiced. However, it is unfortunate that there are those who base their opinions on half-truths of who fail to find out the other side of a story before they write about it. I find most distasteful those who would present as facts what is only opinion. (And, if you have not realized it yet, this whole column is only my opinion.)

While I wholeheartedly support the right of unrestrained expression, I in no way want the students 'who know what's best,' to run the school where I pay to get my legal education.

Please, do not get me wrong, there are many policies and procedures I would like to see changed at NYLS. And, there have been times when I, along with many other interested students, have spoken out in support of these changes. But, I will not pre-judge a person merely because he or she works for a large corporation which is entwined in the capitalist system. I would no sooner make sweeping generalizations about a group of people because they sit on a board than I would about a group of people because they all come from the same country. If I think a certain policy stinks, I attack the policy and not the person making it. Unlike some others, I am well aware of the times when I have disagreed with policy and have been wrong.

As for the day to day decisions concerning our education, by ABA and AALS "edict," the faculty, as a whole, is empowered to decide policy. I am of the opinion that this is how it should be.

Does this mean I am happy with or agree with all the decisions made by the faculty? Certainly not. I wholeheartedly supported and

(Continued on next page)

Dean Denies the Damper on Grades

Confronted with the rumor that he has directed professors to lower their overall grading, Dean Shapiro said that such claims were utterly false.

It has been rumored throughout the school that at least two professors were instructed to keep down their grades. Dean Shapiro, anxious to reply to such rumors, said that he would like to see the grading scale uniform throughout the school for all classes. He added that he hopes that members of the faculty do not hesitate to give a full range of grades, and do not bunch their grades in the middle range.

Equitas

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... Reins?

(Continued from Page 4)

still support many proposals which the faculty has voted down.

Again, while I do not want to see the students running the school, the decision making process stinks when effective channels for student input are not created and kept open. There are student voting members on almost every important committee in the school. The SBA is supposed to afford, any student who wishes, the opportunity to present views to these committees.

If you have remained awake to have read this far, you probably care about NYLS and how it is run, so I leave you with some considerations: None of us will be here longer than four years. Many of our desires are selfishly motivated. What was important to us last year may no longer concern us. What is very important to a few of us, may mean nothing to the rest.

If we are aware of these considerations and try to understand our own motivations perhaps we will not be so quick to attack the motivations of those with whom we disagree.

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Letters to the Editor

To the Editor:

I write with reference to Les Maron's letter to the editor which appeared in the November 30, 1976 issue of EQUITAS.

Without taking anything away from Les' significant contributions as an S.B.A. class representative to the improvement of student life at NYLS, it should be pointed out that the "major achievements" he claims as the accomplishments of the current S.B.A. were in fact the result of student activity which occurred before he or his associates interested themselves in these matters.

In particular I would like to bring to his attention the work of Greg Coburn, Class of '76, whose tireless efforts for the benefits of NYLS students have gone almost unrecognized.

In the specific areas of registration and class scheduling mentioned by Les, areas where student-faculty-administration co-operation now is taken for granted, the foundation for this co-operation was laid by the hard work, and literally sleepless nights, of a single person, Greg Coburn.

I also can state categorically that the creation of a financial aid office at NYLS is not an achievement attributable to the influence of the current SBA.

The student-faculty-alumni committee, anonymous grading, and letter grades rather than numbers are taken for granted now as permanent fixtures on the NYLS scene. But it was only

through the efforts of student leaders prior to either of us even enrolling at NYLS that these advances became reality.

Student participation in governance and administration has always been thankless. The significant reward comes only in personal knowledge of accomplishment. If recourse is taken to the press, however, proper credit is due those whose past contributions have made current accomplishments possible.

Paul S. Forster
Class of '76

To the Editor:

To begin, I would like to congratulate the Law Review on the outstanding achievements which they are realizing this year. The Editorial Board and the Staff have obviously gelled into a cohesive working unit (a task not easily accomplished). They have finally received the full support of the Administration both monetarily and intellectually, something of which no Law Review Board before them can boast. However, all the praise cannot be bestowed on this year's Board and all the blame on previous Boards for Administrative support or lack of it. For years, New York Law School Law Review Boards and their moderator, Professor Lee, have been seeking the support of the School's hierarchy. It is only recently that the Administration has realized that an excellent Law Review is a very necessary ingredient for an excellent Law School.

I would next like to direct this letter to the Editorial concerning the Law Review on page four of the December 16, 1976 issue of EQUITAS. I must agree with Alan Smilowitz, in his letter to the Editor on the same page, that Equitas again is showing "a general disregard for journalistic standards, evidenced by . . . [a] failure to verify the specific facts you print." Although the Editorial extends well deserved praise and congratulations to this year's Law Review, its true intent comes across as a debasement of last year's Law Review.

As Executive-Editor of that Law Review, I would like the opportunity to place the blame, if there is any, where it is deserved.

It is true that our issues were late last year but it was not as a result of any failure on the part of the Editorial Board or Staff. Rather, we simply ran into a stream of very lackadaisical and uncooperative authors many of whom could not author a reader for first graders. These articles had to be rejected and then we had to await the completion of others to take their place. We were also hampered for three to four weeks by a breakdown in the computer system at our printers. Lastly and most importantly, the Editorial Board before us left us without a single author or article for our first issue as well as deleting the post of Topics Editor on our Board. The Topics Editor is the person in charge of obtaining authors and their articles for publication. We, therefore, started our year's article solicitation in June-July when it should have been begun in March. We were immediately put three to four months behind before we ever truly assumed control of the Board. In addition, we also had to finish the last two issues of the previous year as they had to finish those of the year before. A handicap like that is impossible to overcome in one year.

However, we were not about to leave our staff (the present Editorial Board) without a first issue. The idea of a Copyright Symposium was fostered within last year's Editorial Board. Our appointed Topics Editor, John Fabiani, made all the initial contacts with the authors and presented the Symposium to this year's Board when they took office. I would like to note that many members of this year's Board did not think highly of a Copyright Symposium until they saw that it could fill two issues for them with "name authors" and that all the initial leg work has been completed. Since then, the present Board, has done an excellent job of advertising the issues and bringing them to fruition, but let us at least give some credit to last year's Board for giving birth to the Symposium as well as doing their best under extremely adverse conditions. I personally thank

(Continued on Page 6)

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Letters...
(Continued from Page 5)
you, Editorial Board and Staff of 1975-76.
Herbert K. Sudfeld, Jr., Esq., '76
P.S. In consideration of all the above, I respectfully request that EQUITAS print this letter in its entirety in the Letters to the Editor column.

To the Editor:
Much space has been devoted in recent issues to the question of whether the SBA or the administration should be responsible for the creation of the final examination schedule.
The tentative final examination schedule published by the administration at the time of registration is the most eloquent argument for the necessity of the SBA retaining this responsibility.

Karen Miller

To the Editor:
You may regard this as a "Letter to The Editor."
In your December 16 issue, there is a call for students to join the Equitas staff. The head on the story is titled, "Develop Writing Skills," but the first paragraph equates newspaper writing. It reads:

"As we are all aware, writing is the skill most basic to the legal profession. Unfortunately, law students do not always have the time or opportunity to get the writing experience necessary to be a good as well as successful attorney. Many legal scholars as well as members of the judiciary have complained recently of the poor grammar, style and structure of current legal writing. How, as law students, [you] can get the necessary practice to improve our [sic] writing skills? Join EQUITAS." (Capitalization original).
The opportunity for students

to obtain the "writing experience necessary to be good" attorneys is available at New York Law School where they may enroll in the Legal Writing Workshop. In addition to learning how to write with clarity and precision, students are taught to write in the singular or plural but not in both.

True, it is, that many legal scholars (including those on the judiciary) complain of inept legal writing, but this complaint is not a recent development, for in this country the first to complain was Thomas Jefferson. Neither he nor those who followed confused newspaper writing with legal draftsmanship. A journalism school does not produce competent legal writers, nor is that its function.

Reading EQUITAS convinces me that what is needed is a competent copy editor who can teach EQUITAS writers how to use the dash, the difference between "that" and "which," the use of parentheses and other aids to good writing.

Elliott L. Biskind
Adjunct Professor

To the Editor:
As an alumnus of the Law School I am grateful to receive EQUITAS regularly.
However, the magazine (sic) comes so late that I can't take advantage of the opportunities advertised therein.
Is it possible to get the magazine earlier?
Thank you.
Benjamin Bernstein

We are well aware of the problems that have arisen concerning the delivery of EQUITAS. We apologize to our readers and advise them that we have recently obtained a new mailer and have been assured of prompter service. However, in the switch over there have been some snags which we have been trying to correct. Please bear with us. —Ed.



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Saturday, March 12	Practice IV	
Wednesday, March 16		Practice IV
Saturday, April 2	Practice V	
Wednesday, April 6		Practice V

NOTE: A tape location is planned for New York Law School Manhattan lectures will be in the Statler Hilton Hotel, Seventh Avenue at 33rd Street.

Live lectures will be from 10:00 a.m. to 2:30 p.m. Tape replays will begin at 6:00.

The course fee is \$75.00. For those taking the New York Bar Review course, the fee is \$35.00.

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Legal Research Enters Star Trek Era

By Jonah Triebwasser

Imagine, if you will, an episode of Star Trek unfolding before your eyes as you watch your wall-high color television projector. Mr. Spock sits at his computer terminal on the bridge, raises an eyebrow and speaks: "Computer."

"Working . . ." says the monotone metallic female voice.

"I desire the legal precedent for granting Federation diversity jurisdiction in actions where the adversaries are from two different planets," says the Vulcan.

"Working . . ." the computer intones, then, mere seconds later, "there . . . are . . . 127 cases in Federation jurisdiction . . . the first case is Gordon v. Ming, 1083 Earth 2nd 228 . . ."

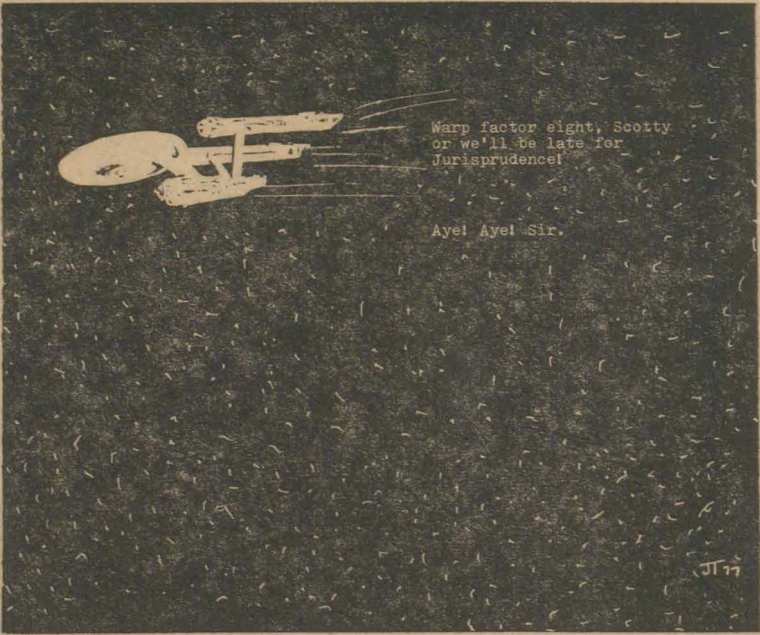
"Stop," says Spock, "Print out the citation numbers of these cases at the terminal. I will read the cases in the microfiche library myself. Spock out."

A vision of lawyering in the 23rd century? Not at all. The marriage of the computer and legal research was made in this decade and has spawned LEXIS.

The LEXIS computer was demonstrated recently for the first year Legal Research classes of Professor Janet Tracy.

Prof. Tracy spent most of the one-day demonstration enthralled by a standing room only crowd in Dean Lippman's office as she typed various student and faculty research requests into the computer and, within seconds, had answers appear on the computer television screen.

This system is relatively easy to operate, explained Tracy. The



LEXIS terminal looks very much like the standard typewriter keyboard. As you type your request, using plain English, not computer jargon, the request appears on a television screen, as will any data the computer returns to the user.

The lawyer would first type in the name of the library he wants searched for his particular question. There are many libraries available, and the developers of the LEXIS are adding more.

At the present time there is an extensive Federal library which includes the United States code, Supreme Court decisions from 1938, Court of Appeals decisions from 1959 and District Court decisions from 1970. In addition, there is a securities law library,

as well as a federal tax library, trade regulation library and ten state libraries including New York.

After choosing a particular library, for example, New York's, the lawyer types in a search request. If the problem has to do with a parent's liability for the necessities of an emancipated minor, the attorney would type in certain key words such as "necessaries", "emancipated", "minor", and "child." The computer will then search all of the cases in the New York library and inform the lawyer how many cases are in the memory bank available to him that relate to that four word subject.

The computer will then print out, on the television screen, the

complete text of each decision if the attorney so desires, or it will print out the decision on a teletype terminal that is part of the LEXIS system.

The various tasks that an experienced user of LEXIS can delegate to the machine are almost limitless, said Tracy. Once a user becomes fully conversant with the machine's capabilities and operational procedure, dozens of hours of manual research time can be saved.

As an example, this reporter told Tracy that he had been involved in a recent Federal litigation as a named plaintiff and

As we went to press Prof. Tracy informed EQUITAS that the faculty has voted to install a LEXIS computer terminal in the library. Full details in our next issue.

wanted to know what the citation of the case was. Tracy typed my last name only onto the screen with a request to search the Federal library and in less than five seconds, the case appeared on the screen, in addition to a subsequent case that cited the original. In this manner LEXIS can also "Shepardize" a case by searching its memory banks for any cases that cite a primary case by either party's name or by the case citation.

The Professor said that she has made a proposal to the administration to install a LEXIS center in New York Law School.

The Harvard-educated Tracy was an attorney for the Data Base Definition and Design department of the Mead Data Central, Inc., the manufacturers of LEXIS, during three years of the system's development.



(photo/J. Triebwasser)
Dean Graham and Prof. Tracy view LEXIS results.

Equitas Contest Continues

EQUITAS invites students, professors and alumni to submit quotes about the law, lawyers and law school. The prize? You get to see your name in print. Send your law quote, with proper citation, and your name and class year to: Law Quotes, EQUITAS, New York Law School, 57 Worth Street, New York, N.Y. 10013.

"Woe unto ye also, ye lawyers! for ye lade men with burdens grievous to be borne, and ye yourselves touch not the burdens with one of your fingers."

(The Bible)
Prof. Steven Newman

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'Rocky,' A Fighter's Love Story, Scores A Knock Out

The writer has submitted many reviews for print, however, the Editor-in-Chief never thought his work was good enough for publication. Doubts remain about the following review, but we had some extra space.

— Ed.

by Jim Tricarico

It's not just another "Joe Pa-looka" story. But, there certainly are many cliché fight movie elements to United Artist's new hit film "Rocky."

The title character despairs at the bottom of the professional boxing world. You're shown at the outset that Rocky Balboa is tough and that he can fight — not that he can box, just that he can fight. But, this work written by its male star, Sylvester Stallone by no means pounds you with fight scene after fight scene. Professional boxing is only the vehicle used to develop the movies two main characters, Rocky and Adrian.

Like their author, the screenplay's leads live in Philadelphia, again like the author they are both products of the tough, poor Philly neighborhood. If you have not already guessed, there is a

lot of Stallone in this film. It's become old hat to explain how he refused to sell the story until he could get the starring role, but, I for one was very glad he held out.

Many have heralded Stallone as the next Brando, or Hoffman. He is not. He is the singular Sylvester Stallone. The physical aspects of the film have established the "Italian Stallion" — his fight world nickname — as a sex symbol along side the likes of Redford and Newman. But, like those actors, he will sustain on his talent.

Consistent with the theme, Rocky is less than articulate, perhaps ignorant, but by no means dumb. He's a pick up fighter who no longer even has a locker at the gym where he trains. The gym's operator is played by Burgess Meredith, another product of that outskirts of the "contention boxing" world. Balboa is "hungup" on his friend's sister, sensitively played by Talia Shire of "Godfather" fame. His friend is explosively played by Burt Young who many of you have seen in various roles on TV's Barretta and who this writer pre-



(photo/United Artists)

Academy Award nominee Sylvester Stallone and Carl Weathers in a scene from Rocky.

dicts will be nominated for a best supporting actor Academy Award. "Rocky" is a love story, a play

about survival and a movie that is designed to make you "feel good." It scores on all counts. The "Stallion" can not make a living as a fighter, so he busts heads for a local loan shark. The viewer just knows he can't be any good at it — he cares too much. The transformation of this shy and "homely" Adrian is remarkable, if not a little unbelievable.

The goal toward which the viewer and Rock is headed is much more than survival, its success. The film's heavyweight champion of the world, boxing's most lucrative and most prestigious title, is a Mohammad Ali like character (played by Carl Weathers) who has decided to give a "nobody" a chance for a

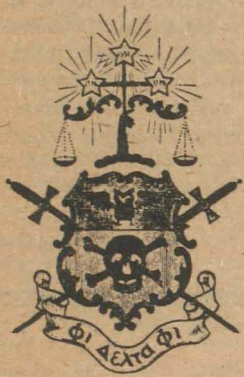
shot at the crown. Obviously, its a bicentennial grandstand play, but who cares? Its Rocky's big break.

The final fight scene is one of the most realistic ever dramatized in a movie. The camera cuts are quick with little wasted action, although some familiarity with boxing helps in your understanding of what the action means.

As for the ending, I will reveal nothing. However, I leave you with this thought, if you can survive some rather grueling scenes, go see "Rocky," I don't think you'll be disappointed.

As for its author and star, time will only tell if he has the scope to continue to perform up to the high level he has displayed in this very personal movie.

Setaro Award Nominees Sought



Applications are now being accepted for consideration for the "Franklyn C. Setaro School Spirit and Service Award."

The Dwight Inn Chapter of The International Legal Fraternity Phi Delta Phi presents this award annually at commencement to a graduating student for notable services to Law School community life.

This award competition is open to all graduating students (day and evening division) regardless of membership in the Fraternity.

The application should state what the applicant has accomplished during his sojourn at N.Y.L.S. Please submit applications to the Phi Delta Phi office Room 310 at 47 Worth Street.

Please submit applications by March 18, 1977.

SBA President

Faculty Wins T.K.O.

by Larry Silverman

As students, we are often guilty of holding "the Administration" responsible for all the decision-making that affects our lives at New York Law School. In fact, it is the full-time faculty that initiates most of the academic policy and many of the procedural rules and it is they who must shoulder the blame for the following events.

During the Fall 1976 term, without advance notice to the students, the faculty made two controversial decisions, both of which you are certainly aware by now. The first was to change the system of grading from letter grades with a plus option to one with both pluses and minuses. The second decision was to change the required curriculum for selected classes. While the Student Bar Association expressed strong opposition to these policy changes on a substantive level, what was most offensive about these actions was that Student-Faculty committees on Grading and Curriculum had already been established and yet the faculty saw fit to "legislate" unilaterally in these areas without notice to the student body nor even the students selected to serve on the respective committees.

It was largely as a result of the discontent expressed surrounding these and similar incidents that Dean Shapiro and Faculty members on the Student-Faculty-Alumni Committee apparently recognized the unfairness of putting the students in the position where, without notice of proposed changes, they could only react to pre-determined policy rather than provide a measure of constructive input in which student sentiment could be expressed. An understanding was reached and a commitment was made so that the students would, in the future, get advance notice of proposed changes in policy directly affecting student interests and with permission be given an opportunity to address the faculty as a whole prior to a vote. Although the faculty refused to reconsider their decisions on the two earlier-mentioned substantive issues, this prior notice commitment was consider a major step in improving student-faculty relations.

It is therefore with a sense of outrage that we learned the Student-Faculty Grading Committee was recently dissolved by the faculty without notice and the above-mentioned agreement breached. Indeed, even if our agreement did not exist, common sense dictates that at least they had the obligation to notify the student who sat as a representative on the committee they abolished. Reacting to these events, at the January 29th meeting of the S.B.A., the executive council resolved that such action "be deemed an affront to the student community."

We would like to believe that this apparent breach of good faith was in fact due to inadvertence or a communications breakdown. Without going into the many reasons why the Grading Committee should be reconstituted with student representation, we feel that under the circumstances the faculty should reconsider their action.

It is our sincere hope that we will soon be able to sit down with the faculty and agree on a solution of this problem.

Sadly, some of the breakdown in efficiency of communication has occurred within our organization. Many of the students that you chose to represent you have not performed even the two minimum requirements of their office. One is attending S.B.A. meetings and the other is acting as a link between the students and their government by bringing issues that concern you to meetings and reporting back to classes what transpired.

By the time you read this article, some action will have been taken in this regard. But it is indeed sad that we had to do this. Additionally, our grievance and handbook committees became dormant because students who had taken on the responsibility of participating apparently found better things to do. Fortunately, there is a hard core of dedicated students who at the last minute have come to the rescue so that the Student Handbook will be published in the next few weeks. Students who do not wish to have their addresses, phone numbers or both printed should so indicate by letter to the S.B.A. before Wednesday, February 16th.

We all owe a great debt of gratitude to those few who have unselfishly served and were responsible for many of the successful S.B.A. programs at the law school this year.

To Fight Child Abuse



(photo/NYLS Alumni Affairs)

Judge Kooper

The Hon. Sybil Hart Kooper, NYLS class of '57, Justice of the Family Court of the City of New York, has been re-elected to the Board of Directors of the Richmond County Society for the Prevention of Cruelty to Children.

Also elected was Jonah Triebwasser, a first year day student and EQUITAS staff member,

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